

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARK MAYES,

Plaintiff,

v.

AMAZON.COM.DEDC LLC,

Defendant.

No. 18-CV-00176-MJP

PLAINTIFF'S COMPLAINT FOR
DAMAGES

JURY TRIAL DEMANDED

Plaintiff Mark Mayes ("Plaintiff" or "Mr. Mayes") alleges against Defendant Amazon.com.dedc LLC ("Amazon" or "Defendant"), as follows:

I. PARTIES, JURISDICTION, AND VENUE

1. This action arises from an employment relationship between Mr. Mayes and Defendant Amazon. Mr. Mayes alleges claims based on Title VII of the Civil Rights Act, 42 U.S.C. § 2000e et seq., 42 U.S.C. § 1981, 42 U.S.C. § 12112 et seq., and Washington state law.

2. Mr. Mayes is an individual residing in King County, Washington.

3. Defendant Amazon is a corporation organized and existing under the laws of Washington, with its headquarters and principal place of business located in Seattle,

1 Washington. Amazon is therefore a citizen of Washington. Defendant Amazon is an
2 electronic commerce company with a fulfillment warehouse in Kent, Washington. Amazon
3 therefore conducts business in King County, Washington. Defendant is an “employer” subject
4 to Washington state statutes governing employment discrimination including the Washington
5 State Law Against Discrimination, Ch. 49.60 RCW (“the WLAD”).
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7 4. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 and
8 supplemental jurisdiction over the state law claims pursuant to 28 U.S.C. § 1367 because they
9 are part of the same case or controversy as Mr. Mayes’ federal law claims.

10 5. Venue is proper in this Court under 28 U.S.C. § 1391 because the events
11 giving rise to Mr. Mayes’ claims occurred in the Western District of Washington.
12

13 II. FACTS

14 6. Mr. Mayes is an African American male. In or around May 2017, Amazon
15 hired Mr. Mayes to work as a picker at its fulfillment center in Kent, Washington. When Mr.
16 Mayes began his employment, he was inadequately trained. Because he was not properly
17 trained, Mr. Mayes was forced to train himself while on the job.

18 7. Within Mr. Mayes’ first week of employment, a member of the HR department
19 wore a T-shirt with the phrase “gangster napper” on it which alluded to a derogatory slur and
20 made Mr. Mayes uncomfortable. Mr. Mayes asked the HR employee why she wore such an
21 offense shirt. The HR employee did not give Mr. Mayes an answer. Following that
22 conversation, the HR employee would stare at Mr. Mayes and whisper to other employees
23 whenever he walked by her.
24

25 8. After this encounter with the HR employee, Mr. Mayes was targeted by a floor
26 manager named Andreus LNU who is Caucasian. Andreus wrote up Mr. Mayes for poor
27

1 performance within the first week of Mr. Mayes' employment. Andreus used an aggressive
2 demeanor when interacting with Mr. Mayes. And every time Mr. Mayes spoke with Andreus
3 he told Mr. Mayes that he might get fired.
4

5 9. Mr. Mayes told Bradley LNU, a manager, that he thought Andreus was
6 harassing him because of the color of Mr. Mayes' skin. After Mr. Mayes raised this concern,
7 Bradley subjected Mr. Mayes to harassment and disciplinary write ups daily. Mr. Mayes was
8 told the write ups were due to poor production performance, however, Mr. Mayes'
9 performance was not poor. The production records did not accurately reflect Mr. Mayes'
10 performance. His production performance was better than some of his co-workers who were
11 Caucasian and he was disciplined more severely than employees who were not African
12 American. Mr. Mayes believed the reason for the writes ups was due to his race as an African
13 American.
14

15 10. A co-worker told Mr. Mayes that he smelled like watermelon in front of
16 another floor manager named Aaron LNU. After this comment, Aaron told Mr. Mayes "I'm
17 bright" while pointing to his skin. Aaron is Caucasian.
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19 11. Mr. Mayes continued to complain to management that the performance write
20 ups he received were not justified under Amazon's policies. However, managers continued to
21 make racial remarks and laughed and humiliated Mr. Mayes. They sarcastically told him to
22 "hang in there". One manager, Skylar LNU, made this comment to Mr. Mayes while standing
23 in front of a board that referred to managers as "owners". Skylar is Caucasian.
24

25 12. Mr. Mayes had a meeting with Emily Larson from the HR department. During
26 that meeting, Ms. Larson told Mr. Mayes "we are gunning for you" while making a gun gesture
27 with her hand. Mr. Mayes asked Ms. Larson to repeat what she said multiple times, and she

1 repeated the same phrase. Mr. Mayes felt threatened and no longer felt Amazon was a safe
2 environment.

3 13. In June 2017, Mr. Mayes injured his ankle while working. Amazon hold Mr.
4 Mayes to get documentation from his doctor about the injury. Mr. Mayes went to the
5 emergency room and was treated. His doctor diagnosed him with acute right ankle pain and
6 advised Mr. Mayes that he must wear a medical walking boot at work until July 10, 2017. Mr.
7 Mayes repeatedly asked management for reasonable accommodations for his chronic ankle
8 pain, which he was denied.
9

10 14. Aaron Reynolds, another manager, spoke with Mr. Mayes several times
11 regarding his work performance. Mr. Mayes spoke to Mr. Reynolds about the frivolous write-
12 ups and asked that they be removed from his employee record. He also informed Mr.
13 Reynolds that his ankle was swollen and he needed accommodations for it. Subsequently, Mr.
14 Mayes went to Mr. Reynold's office again to bring up the same issues. Mr. Reynold removed
15 some of the write-ups, but not all of them. Mr. Reynolds also had not made any
16 accommodations for Mr. Mayes' ankle. After Mr. Mayes repeated his complaints during this
17 meeting, Mr. Reynolds made the statement "I got fourteen bullets for you" to Mr. Mayes.
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20 15. The comments by Ms. Larson and Mr. Reynolds made Mr. Mayes fear for his
21 life. He reported the threats to the police. Mr. Mayes also sent emails to various managers at
22 Amazon to report the hostile work environment.

23 16. Mr. Mayes also spoke with another manager about his concerns and fears
24 regarding the actions and comments of his supervisors and managers. When Mr. Mayes
25 turned to leave at the end of the conversation, the manager began laughing and made sarcastic
26 weeping gestures with his hands, mocking Mr. Mayes.
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3 DATED: June 27, 2018

4 Respectfully submitted,

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